

*Prepared for, and under the guidance of,
the Committee on the Exercise of the Inalienable Rights
of the Palestinian People*

THE PALESTINE QUESTION A BRIEF HISTORY



UNITED NATIONS
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TABLE OF CONTENTS

Introduction	1
I. Palestine in history	2
II. The conflicting promises on Palestine	4
III. The Palestine Mandate	6
IV. The "national home" and Palestinian resistance	10
V. The partition of Palestine and the establishment of Israel	13
VI. The Palestine question in the United Nations, 1948-1967	18
VII. The recognition of the Palestinian right to self-determination	20

INTRODUCTION

Palestine's special place in history derives from its spiritual significance for the three great monotheistic faiths. Palestine thus should be a land of peace, but, in fact, historical forces, sometimes religious, sometimes political, have brought conflict and conquest.

Today, the area continues to be riven by tension and strife, posing a potential threat to world peace. The events during our century that led to this dangerous situation are often blurred by the intense controversy over "The Palestine question". This short study traces the evolution of that question.*

* This study dealing with a highly complex issue is intended for younger readers and is an abbreviated version of more exhaustive studies published by the United Nations under the titles: The Origins and Evolution of the Palestine Problem - Parts I and II (1978) and The Question of Palestine (1979).

I. PALESTINE IN HISTORY

The "Palestine problem" of today had its origin in policies introduced while Palestine was a responsibility of the League of Nations, the forerunner of the United Nations. A report issued in 1930 by a commission* appointed with the approval of the League of Nations contains what might be the closest to an objective survey of the early history of Palestine. The following summary is taken from that report.

In early times, Palestine was inhabited by Semitic peoples, the earliest being the Canaanites. According to tradition, Abraham, the common ancestor of the Jews and the Arabs, came from Ur to Canaan.

When the tribes of Israel came to Palestine after their captivity in Egypt, they were united into one kingdom by King David in 1000 B.C. This kingdom reached its greatest heights under King David's son, Solomon, who built the first Temple of Jerusalem on Mount Moriah. However, after Solomon's death, the history of the people of Israel - or rather of the two kingdoms of Israel and Judah - is a record of civil wars and struggles with alien tribes.

About 720 B.C., the Assyrians destroyed the kingdom of Israel and carried its inhabitants away as captives. About 600 B.C., the Babylonian King Nebuchadnezzar attacked the kingdom of Judah, destroying Jerusalem and Solomon's temple in 567 B.C. Most of the inhabitants were carried into captivity. Fifty years later, when the Persian King Cyrus conquered Babylon, the Jews were able to return to Palestine. By about 515 B.C. they had rebuilt Solomon's temple.

In 332 B.C., the Jews came under the domination of the Macedonians, who treated them harshly. In about 170 B.C., a Jewish revolt was quelled, and the second Temple was destroyed. Following the Macedonian rule was a period of independence to a certain extent. This lasted until the Roman conquest by Pompey, who entered Jerusalem in 63 B.C. In 70 A.D., Titus destroyed the city. All that remained of the second Temple was the Western Wall which became known as the Wailing Wall.

* Its members were from the Netherlands, Sweden and Switzerland.

Early in the second century A.D., the Emperor Hadrian prohibited the Jews from entering Jerusalem. From that period dates the dispersion of Jews throughout the world. Since then, until the establishment of the State of Israel in 1948, no Jewish Government has existed in Palestine. Although some Jews have always lived in Palestine, their numbers have fluctuated depending on the tolerance of the successive rulers.

After the partition of the Roman Empire in 400 A.D., Palestine was under Byzantium's rule until the Arab conquest in 637 A.D. On the then deserted site of Solomon's Temple, the Mosque of Al-Aqsa and the Dome of the Rock were constructed and called Haram-el Sharif. Second only to Mecca and Medina, Haram-el Sharif became a place of great sanctity for the Moslems.

After the interlude of the Crusades, from 1099 to 1190, Saladin, the Arab ruler, invited the Jews to return to Palestine.

In 1517, the Turks conquered the country and ruled it until the end of the First World War. Throughout this period, the Wailing Wall continued to be a place of devotion for the Jews.

In late 1917, British forces occupied Palestine.

Thus it can be seen that, except for the Crusader interregnum, Palestine was ruled by Arabs and then by Turks for over 1,300 years following the Byzantine era. The population of Palestine was mostly Semitic Arab, both Moslem and Christian. There were also small numbers of Semitic Jews. Both the Arabs and the Ottoman Turks accorded the Jews the right to continue to worship and to keep alive the Jewish spiritual link with Palestine. During the nineteenth century, the Ottomans authorized small settlements of Jewish immigrants from European countries where anti-Jewish discrimination was increasing. At the time of the British occupation in 1917, Jews formed less than a tenth of the population of Palestine. Nine-tenths were Arab, both Moslem (80 per cent) and Christian (10 per cent). The traditions, customs and language of the Arab Palestinians constituted the predominant culture of Palestine.

II. THE CONFLICTING PROMISES ON PALESTINE

During the First World War, Britain and its allies looked for support against Germany and its ally the Ottoman Empire. Since some Arab leaders at the time were seeking independence from Ottoman rule, Anglo-Arab collaboration was a natural outcome. Accordingly, understandings were reached in 1915 between the Sherif of Mecca acting as the spokesman for the Arabs, and Sir Henry McMahon, the British High Commissioner in Egypt who negotiated for the British. The Sherif demanded recognition of independence of all Ottoman Arab territories including Palestine. McMahon, however, tried to exclude Palestine through an ambiguous reference to the extent of the areas concerned. The Sherif rejected McMahon's attempt. The controversy continued until 1939 when the British Government conceded that, in 1917, "they were not free to dispose of Palestine".

In fact, the Sykes-Picot agreement of 1916, a secret Anglo-French agreement on the recognition of Arab independence, had excluded independence for Palestine, and instead had specified an "international administration".

The future of Palestine was also the subject of separate assurances given by the British Government to the World Zionist Organization. In 1897, the organization had declared its aim "to create for the Jewish people a home in Palestine secured by public law". Under the leadership of Theodor Herzl, the organization considered areas in East Africa and Argentina as sites for the Jewish national home. However, it finally decided on Palestine, claiming it as a national home on the basis of ancient Jewish links with the holy land.

Zionist leaders worked for support from the British Government, emphasizing the strategic advantage of gaining a new ally that would help guard the Suez Canal. The British, still seeking support in their war effort, reacted favourably. Accordingly, the Foreign Secretary, Lord Balfour, addressed a letter on 2 November 1917 to the World Zionist Organization. This letter, which came to be known as the Balfour Declaration, stated that:

"His Majesty's Government views with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing

shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

Some Jewish communities, sensing a conflict of loyalty with their own countries of citizenship, opposed the Zionist plans. Sir Edward Montagu, the only Jewish member of the British Cabinet, strongly criticized it. Even Dr. Chaim Weizmann, the Zionist leader, just 10 years later, was to write:

"The Balfour Declaration of 1917 was built on air ... every day and every hour of these last 10 years, when opening the newspapers, I thought: Whence will the next blow come? I trembled lest the British Government would call me and ask: 'Tell us, what is this Zionist Organization? Where are they, your Zionists?' ... The Jews, they knew, were against us: we stood alone on a little island, a tiny group of Jews with a foreign past."

To counter Arab protests against this new policy, an Anglo-French declaration reiterated promises for complete independence for the Arabs. The declaration of 7 November 1918 assured the Arabs of "the complete and definite emancipation of the Arab peoples ... and the establishment of national government and administrations deriving their authority from the initiative and free choice of the indigenous populations".

Despite the assurances made in the 7 November declaration, Palestine's subsequent history was to show that the wishes of the vast majority of the indigenous people of Palestine counted for little. Their land had been promised to another people by a foreign Government which, at that time, held no sovereign rights over Palestine. Citing these factors, several authorities have asserted that the Balfour Declaration had no binding or legal effect beyond being a statement of the intentions of one Government.

III. THE PALESTINE MANDATE

By being made part of the Palestine Mandate, the Balfour Declaration was given an international dimension. The Mandate concept itself was a compromise between the prevailing colonial system and the principle of self-determination of people under foreign rule - a principle championed by President Woodrow Wilson. Following the victory of Britain and her allies in the First World War, the Mandate system of the League of Nations placed many of the former subject peoples of the Ottoman, German and Austro-Hungarian empires under the tutelage of certain victorious Powers. The stated aim of the Mandates was to guide the peoples ultimately to independence.

There were three classes of Mandates, ranging in levels according to the perceived degree of political advancement of the population as determined by the victorious Powers. All the former Ottoman Arab territories, including Palestine, were placed under Class "A" Mandates. As the most advanced class, the Covenant of the League of Nations described Class A Mandates as communities "whose existence as independent nations can be provisionally recognized" while they received "administrative assistance and advice" on their way to independence. Syria and Lebanon were placed under a French Mandate, and Palestine and Transjordan were placed under a British Mandate. Under the Covenant's provisions for independence of Mandates, the two French Mandates achieved their independence before the end of the Second World War, Lebanon's independence came in November 1943, followed by Syrian independence in January 1944. Jordan received independence in 1946. Palestine, however, became a scene of conflict.

The Covenant of the League of Nations required that the wishes of the communities affected be a principal consideration in the selection of the Mandatory. This, however, was ignored in the case of Palestine.

On President Wilson's insistence during the Paris Peace Conference in 1919, a commission was appointed to ascertain the wishes of the indigenous populations. The Commission recommended an American Mandate over Syria, including Palestine. In assessing the wishes of the indigenous population of Palestine regarding the Jewish immigration there, the Commission called for "serious modification of the extreme Zionist programme for Palestine of unlimited immigration of Jews". The Commission declared that this programme, aiming "... finally to making Palestine distinctly a Jewish State would be a serious injustice". Dealing with the

Zionist claim "that they have a 'right' to Palestine, based on their occupation of two thousand years", the Commission remarked that this claim "can hardly be seriously considered".

The British Foreign Secretary, Lord Curzon, warned that the term "national home" really meant "a Jewish State" in which the Arabs would be second-class citizens. He declared, "I think the entire concept wrong." Balfour himself acknowledged what was being done and noted, "that so far as Palestine is concerned, the Allied Powers have made no statement of fact which is not admittedly wrong, and no declaration of policy ... which they have not intended to violate".

Nevertheless, the plans for Palestine moved forward. In April 1920, at the San Remo conference, France agreed that in return for freedom of action in Syria and Lebanon, Palestine would pass under British tutelage instead of the international régime as originally planned. Moreover, a stronger and more explicit version of the Balfour Declaration was made part of the Mandate. With the new version added, the Mandate recognized the Zionist Organization as the "Jewish Agency" which would help in the establishment of the Jewish national home by organizing large-scale immigration and settlement of Jews from abroad on the land the Agency acquired in Palestine.

Remarkably, the Mandate did not once use the term "Arab". Although the Palestinian Arabs constituted nine-tenths of the population at that time, they were referred to in the document only as the "non-Jewish communities of Palestine". Noting the irony, one writer likened the formulation to "calling the multitude the non-few", emphasizing the obvious fact that the multitude was the Arab majority in Palestine. The only protection given to the rights of the Palestinian Arab majority was a phrase stating that "nothing should be done which might prejudice (their) civil and religious rights". Any reference to their national or political rights, however, was conspicuously absent.

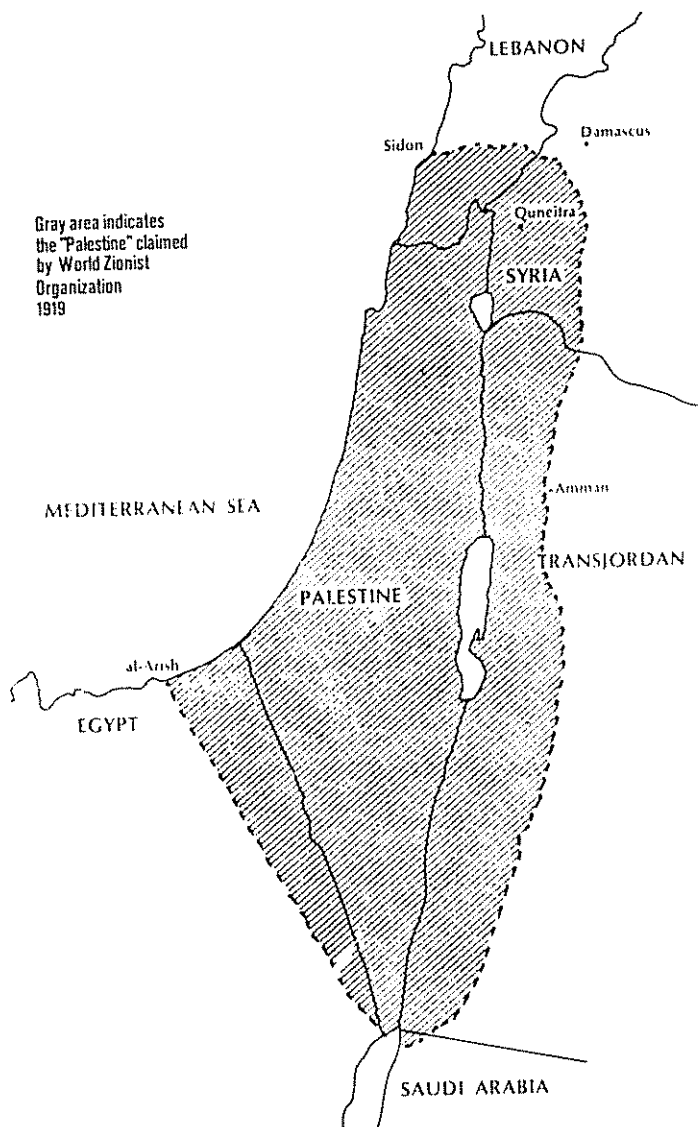
The Mandate was signed on 24 July 1922 and came into effect formally in September 1922. Although Transjordan had originally been included in the Palestine Mandate, on 16 September 1922, the League of Nations approved a separate administration for it. Consequently, the Mandate thus applied only to Palestine itself, although the area claimed originally for the Jewish national home included parts of neighbouring lands (Figure 1).

One of the aims of the Mandate was specified as "the development of self-governing institutions". However, a British

Government policy statement of 1 July 1922, subordinated this principle to a secondary consideration. The statement, known as the "Churchill Memorandum", made it "clear that the establishment of self-governing institutions in Palestine was to be subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine".

The contradictory elements in the Mandate led to what became known as Britain's "dual obligation" to the Zionist Organization and to the Palestinian Arabs. This "dual obligation" was a contradiction that soon led to conflict between the indigenous people of Palestine and the Jewish immigrants seeking refuge there from discrimination in Europe.

Figure 1



"PALESTINE" CLAIMED BY ZIONIST ORGANIZATION, 1919

(Source: Ruedy in Abu Lughod: The Transformation of Palestine)

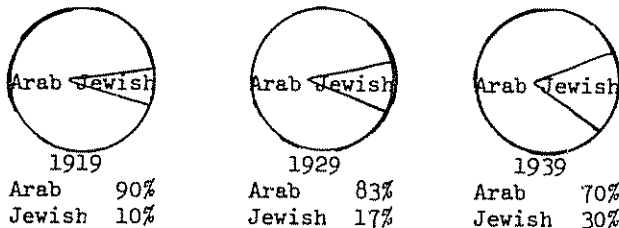
IV. THE "NATIONAL HOME" AND PALESTINIAN RESISTANCE

The building of the "Jewish National Home" started soon after the end of the First World War - well before the Mandate was to come into effect in 1922. The Zionist Organization promoted large-scale Jewish immigration that brought marked changes in the population pattern in Palestine. The Jewish population in Palestine increased from 56,000 in 1918 to about 88,000 in 1922, when the total population was officially estimated at 750,000. By 1939, the Jewish population had increased to 445,000 out of a total population of about 1.5 million. This dramatic increase was primarily due to the large numbers of Jews fleeing the Nazi terror.

In percentage terms, the Jewish population rose from about 10 per cent in 1919 to 17 per cent in 1929 to nearly 30 per cent in 1939 (Figure 2).

Figure 2

Population of Palestine



The Zionist Organization also acquired land to settle the Jewish immigrants. In 1920, Jewish holdings in Palestine were about 2 1/2 per cent of the total land area. By 1939, they had increased their holdings to over 5.7 per cent of the total land area.

The Palestinian Arabs regarded the Zionist Organization's activities to increase Jewish immigration to and land holdings in Palestine as colonization of their ancestral land by foreigners. Not yet politically organized, the Palestinians vented their anger through violence. Anti-Zionist riots erupted in 1920, 1921, 1929 and 1939. These eventually culminated into a full-scale rebellion from 1936 to 1939. The British Government was only

able to suppress the rebellion through the use of drastic measures and strong military force.

In 1937, a British Royal Commission headed by Lord Peel was sent to report on the turmoil in Palestine. The Commission declared that the underlying causes for the earlier revolts and the rebellion was a combination of the Palestinian Arabs' desire for national independence and "their hatred and fear of the establishment of the Jewish national home" in their land. Further, the Commission commented that "... the forcible conversion of Palestine into a Jewish State against the will of the Arabs ... would clearly violate the spirit and intention of the Mandate system. It would mean that national self-determination had been withheld when the Arabs were a majority in Palestine and only conceded when the Jews were in a majority ...".

Additionally, the Commission observed that the conflict was not "in its essence an inter-racial conflict, arising from any old instinctive antipathy of Arabs towards Jews. There was little or no friction ... until the strife in Palestine engendered it." The Commission noted that Judaism and its rituals were rooted in the historical past in Palestine, and that some Jews had always lived there. Instead the conflict stemmed from the Palestinian Arabs' repudiation of the Balfour Declaration and their opposition to Zionist aims in Palestine. They did not accept the creation of a Jewish national home and "they refused to co-operate in any form of government other than a national government responsible to the Palestinian people". Yet the Jewish community, in establishing its national home, had formed a "state within a State" in Palestine.

The Peel Commission concluded that the situation in Palestine had reached a deadlock where the "dual obligations" in Palestine had become irreconcilable. The British Government could not both recognize the Palestinian Arab claim to national independence and secure the establishment of the Jewish national home in Palestine. Therefore, the Commission recommended the partition of Palestine into two independent States. One State would be Palestinian Arab and the other Jewish, with Jerusalem to be an enclave under a League of Nations Mandate.

Neither side accepted this formula. The Zionists alleged that it violated the Balfour Declaration and the Mandate. The Palestinians refused to accept the division of their land and the establishment of a Jewish State on part of it. Further negotiations in London failed. Then in May 1939, the British Government announced that instead of partition, Palestine would

in 1949 become a unified independent State with both Jews and Arabs sharing in government administration and rule. The Zionist Organization rejected this policy. Instead, in 1942 they met in New York and adopted the "Biltmore Program" which included a demand for the establishment of a Jewish State in Palestine.

By the end of the Second World War the Arab States and the United States of America were also involved in the Palestine issue.

In 1946, an Anglo-American Inquiry Committee presented yet another set of recommendations which the British Government considered unworkable. Differing formulas were proposed during fruitless negotiations. Finally, after three decades of rule, the British Government decided in February 1947 to hand the Palestine issue over to the United Nations. The British Government declared that, "faced with an irreconcilable conflict of principles in Palestine ... /it had/ reached the conclusion that the only course now open /was/ to submit the problem to the judgement of the United Nations ...".

After three decades of implementing the Balfour doctrine in a radically transformed Palestine, the British Mandate neared its end. The Jewish population had swelled from 56,000 in 1918 to 608,000 by 1946. The total population had reached 1,850,000 (Figure 3). Much of the immigration had been due to the Nazi persecution of European Jewry. Palestinian Arabs sympathized with the plight of European Jews. However, the sudden immigration brought undue hardship on the Palestinian Arab population. And, since the Arabs were not responsible for the atrocities in Europe, they naturally objected to being made to suffer in turn. As the Royal Commission's report put it:

"An able Arab exponent of the Arab case told us that the Arabs throughout their history have not only been free from anti-Jewish sentiment but have also shown that the spirit of compromise is deeply rooted in their life. There is no decent-minded person, he said, who would not want to do everything humanly possible to relieve the distress of those persons, provided that it was not at the cost of inflicting a corresponding distress on another people."

V. THE PARTITION OF PALESTINE AND THE ESTABLISHMENT OF ISRAEL

By 1947, Palestine was a land ravaged by violence.

The Palestinian Arabs had reacted with violence to the policies of the Mandate which permitted large-scale immigration and land transfer in Palestine. Initially the Jewish immigrants often had practised the doctrine of Havlagah, or self-restraint. By 1947, however, Zionist para-military organizations such as the Haganah and the Irgun became active. They were later joined by the Stern gang.

These groups turned to terrorism in Palestine. In 1940, according to an official report, the SS Patria, a refugee ship carrying illegal Jewish immigrants was "scuttled at her mooring ... as a result of sabotage by Jewish sympathizers ashore, with the loss of 252 lives". In 1942, the British Minister of State was killed in Cairo by the Stern gang. In 1944, states a British official report, "the campaign conducted by terrorist organizations reached a new climax with an explosion which wrecked a wing of the King David Hotel in Jerusalem". Eighty-six public servants, Arab, Jewish and British, as well as five members of the public were killed in the explosion. Palestine was described as "an armed camp".

The United Nations, the de facto successor of the defunct League of Nations, was only two years old when charged with the resolution of the problem of Palestine. In May 1947, the General Assembly created the United Nations Special Committee on Palestine (UNSCOP) and authorized it to link the European Jewish question to the Palestine issue. This was done despite protests by Palestinian and other Arab representatives. They contended that other countries should also give refuge to the large numbers of European Jews displaced by the war. UNSCOP visited Germany and Austria in addition to Palestine and other Arab countries.

One of the purposes of the United Nations is respect for the principle of self-determination of people. This principle was recognized internationally at the end of the First World War, and was extended to other Arab territories placed under Mandates. However, the principle in effect was not applied to the British Mandate in Palestine. In its report, UNSCOP commented on this:

"... at the time of the creation of the 'A' Mandates, it (the principle of self-determination) was not applied to Palestine, obviously because of the intention to make

possible the creation of the Jewish National Home there. Actually, it may well be said that the Jewish National Home and the sui generis Mandate for Palestine run counter to that principle."

UNSCOP recommended that Palestine should become independent without delay. Its members, however, were divided over the form of independence. A minority favoured a unified federal State with considerable autonomy for the two communities. The majority proposed a partition into two States; one Jewish, the other Arab with Jerusalem as an international zone administered by the United Nations (proposed division of territory and population in Figures 3 and 4).

A lengthy debate ensued over the two UNSCOP proposals. During the debates the United Nations legal authority to partition the country was questioned. Finally, after intense political manoeuvring the General Assembly approved, with minor amendments, the UNSCOP majority plan to partition Palestine.*

The British Mandate over Palestine was to end and the two new States (one Arab, one Jewish) were to achieve independence on 15 May 1948.

The partition resolution provided for elaborate safeguards for the rights of minorities and for the "existing rights" of various religions in Jerusalem which had been secured during the Ottoman period. Included was the guarantee of free access for persons of all faiths to the holy places located in Jerusalem. These safeguards were required to be given constitutional status by each State.

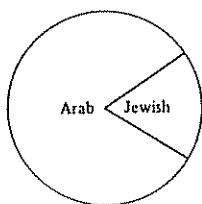
Although the size of the Jewish State accorded in the partition resolution was smaller than the Zionist Organization had hoped for, the Organization had secured its objective of a Jewish State in Palestine. Hence, the Zionist Organization accepted the partition plan. The Palestinian Arabs and the other Arab countries rejected the resolution as unjust and illegal.

The violence, which had not subsided while the United Nations debated the Palestine issue, now flared up again. The violence intensified when the British forces first prepared to withdraw, and then when they advanced their withdrawal date to 15 May 1948.

* Resolution 181 (II), of 29 November 1947, known generally as the "Palestine Partition Resolution".

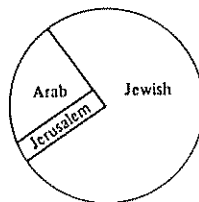
Figure 3

(Note: Jewish 31.7%
Arab 68.3%)



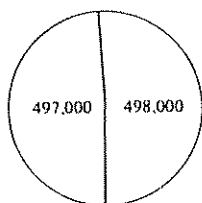
1947
Population ratios
in Palestine

(Note: Jewish 56.4%
Arab 42.9%
Jerusalem 0.7%)

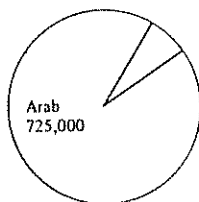


1947
Partition of
territory proposed
by UNSCOP majority plan

Figure 4

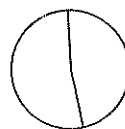


Jewish State



Arab State

Arab 105,000
Jewish 100,000



Jerusalem

Population compositions of UNSCOP majority plan

On the one side, Zionist forces went on the offensive, implementing "Plan Dalet". Plan Dalet was to occupy the areas allotted to the Arab State as soon as British authority weakened. The Zionists' intention was to secure "a State made larger and Jewish by the Haganah". On the other side, Palestinian Arab irregulars also intensified their operations. Violence spread, and the main sufferers were Palestinian civilians.

An especially bloody, terrorist incident was a Zionist attack on the Arab village of Deir Yassin near Jerusalem. The village which had tried to avoid embroilment in the fighting lost 255 men, women and children in the Zionist attack. Reprisals followed with an Arab attack on a Jewish convoy with 77 killed. The terror caused by Deir Yassin provoked flight from other Arab Palestinian villages and towns.

On 14 May 1948, amidst mounting strife, the State of Israel proclaimed its establishment on the basis of the Zionist programme, the Balfour Declaration, the Mandate and the Partition Resolution. As the last British troops ceremonially departed the following day, troops from bordering Arab countries entered the areas allotted to the Arab State, and the first Israel-Arab war began.

By the time the United Nations Security Council effected a cease-fire, Israeli forces had established a decisive superiority. Additionally, they controlled large areas of territory allotted to the Arab State as well as the western half of Jerusalem, originally meant for internationalization.

The armistice lines established in 1949 (Figure 5) left Israel controlling a total of 67 per cent of the territory of Palestine. Egypt and Jordan administered the remaining territorial portions allotted for the Arab State in the Partition Resolution. The Gaza Strip was administered by Egypt and the "West Bank" by Jordan, which was not then a United Nations Member. Of the two States intended by the Partition Resolution, only one, the Jewish State of Israel, had been established. However, the second, the Arab State in Palestine, had not come into being.

Figure 5



VI. THE PALESTINE QUESTION IN THE UNITED NATIONS, 1948-1967

With the implementation of the Palestine Partition Resolution pre-empted, the United Nations was left with the responsibility for the Palestine question. In essence, the problem still remained to establish an independent Arab State in Palestine. Although this had been the aim of the international community as expressed first by the League of Nations in 1919 and then again by the United Nations in 1947, the establishment of the Arab State was still unrealized.

The first step by the United Nations was to dispatch a mediator, Count Folke Bernadotte of Sweden, "to promote a peaceful adjustment of the future situation in Palestine". After exhaustive negotiations with both sides, he submitted what he called a "possible basis for discussion". The plan included specific territorial adjustments in the borders, return of all Palestinian Arab refugees, and some limitations on Jewish immigration. Bernadotte gave the highest priority to the refugee problem, which was a serious obstacle to peace. He reported that the Arab refugees (later estimated at 726,000) had "fled or were expelled from the area under Jewish occupation". He recommended that the United Nations affirm "the right of the refugees to return to their homes" as early as practicable, stating:

"It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries."*

Bernadotte proposed other measures. However, before the United Nations could act on any of his recommendations, his mission in Palestine came to a tragic end. On 17 September 1948, Bernadotte was assassinated by the Stern gang.

In December 1948, the United Nations General Assembly affirmed the entitlement of the refugees to return.** It further

* Official Records of the General Assembly, Third Session, Supplement No. II (A/648) Progress Report of the United Nations Mediator on Palestine, p. 14.

** Resolution 194 (III) of 11 December 1948.

established a Conciliation Commission for Palestine (CCP) to resolve the issues of territory, refugees and the status of Jerusalem. In May 1949, Israel was admitted into the United Nations. Its membership was implicitly linked to its compliance with the two basic United Nations resolutions on Palestine - the partition resolution 181 and resolution 194 of December 1948.

The CCP tackled the increasingly complex situation in Palestine. While the Arab States now showed more flexibility, Israel seemed reluctant to compromise its gains from the war. The CCP's efforts failed, and the status quo solidified with the passage of time. Israel progressively absorbed the areas it had occupied in 1948 beyond its allocated borders until the areas were virtually annexed. In 1950, Jordan, still not a United Nations Member, (it became a Member in 1955) brought the West Bank under its jurisdiction despite objections from other Arab States. The refugees remained in exile. In December, 1949, the General Assembly established the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) to assist the Palestinian refugees who had been displaced and deprived of their homes and means of livelihood. When UNRWA began operations in 1950, the main emphasis of its programmes was on food, shelter and health for the refugees. With time, more and more attention and funds were focused on education and training programmes for young Palestinian refugees. Until 1967 the world treated the Palestine issue mainly as a refugee problem.

In the meantime, however, the true dimensions of the Palestine problem were becoming more apparent. It widened into the Israel-Arab dispute, which led to the second Middle East war, over Suez, in 1956. In June 1967, the status quo was severely shaken by the third Israel-Arab war. The 1967 war became a turning point in Middle East affairs. However, still at the heart of the conflict lay the Palestine problem.

VII. THE RECOGNITION OF THE PALESTINIAN RIGHT TO SELF-DETERMINATION

In the war of June 1967, Israel expanded and occupied the rest of the Arab territory of Mandated Palestine, including Jerusalem. It also took control of and occupied the Golan Heights of neighbouring Syria and the Sinai of Egypt. (Figure 6).

The 1967 war brought the second great Palestinian exodus. Half-a-million Palestinian people were uprooted and fled. These refugees of the 1967 war became known as the "new refugees", distinct from the "old refugees" of the war in 1948. The United Nations Security Council first secured a cease-fire and an uneasy peace. It then called on Israel to facilitate the return of the 1967 refugees,* and to observe the Fourth Geneva Convention (1949) in the occupied territories.** Israel did not comply with either.

The Security Council then passed a resolution of major importance. Resolution 242 (1967) of 22 November 1967, declared acquisition of territory by war to be inadmissible, and called on Israel to withdraw its armed forces "from territories occupied" in the war. The resolution also called for a cessation of threats or acts of force. It also called for parties to recognize the sovereignty and independence of every State in the area, and the right of each to live in peace in secure and recognized boundaries. Further, the resolution called for "a just settlement of the refugee problem". Israel refused to withdraw from occupied territories without a general peace settlement encompassing all the elements of resolution 242. It maintained this position despite repeated calls by the United Nations General Assembly for Israeli withdrawal.

Nevertheless, the Palestinian case for independence and statehood has advanced significantly since the 1967 war. The Palestine Liberation organization (PLO), formed in 1964, adopted a Palestine National Covenant in 1968. The Covenant committed the Palestinian people to fight for their rights. Such rights include the right to self-determination, national independence and sovereignty in Palestine, the right to return to their homes and property in Palestine as well as the right to resort to armed struggle in pursuing those aims.

* Resolution 237 (1967) of 14 June 1967.

** This Convention was drawn up after the Second World War with the intention of protecting the rights of the populations under military occupation.

The Covenant termed Israel an illegal State, and rejected "all solutions which are substitutes for the total liberation of Palestine". This has led to Israel's refusing to have any dealings with the PLO. Palestinian groups under the PLO umbrella increasingly resorted to violence* to focus world attention on the plight of the Palestinians and on their determination to regain their rights.

The Palestinians were successful in gaining international recognition of the justice of the Palestinian cause and its centrality to the Middle East conflict. International recognition was manifested through the resolutions adopted by the United Nations General Assembly.

Although the General Assembly represents all Members of the United Nations, it lacks the authority of the Security Council to legally bind Member States. However, while the Council in 1967 still termed the Palestine issue "a refugee problem", the Assembly in 1969 recognized the political dimension of the issue, declaring that "the problem of Palestine Arab refugees has arisen from the denial of their inalienable rights". In 1970, 1971 and 1972, General Assembly resolutions declared that full respect for these rights of the Palestinian "is an indispensable element in the establishment of a just and lasting peace in the Middle East".

In 1974, the Arab States recognized the PLO as the sole legitimate representative of the Palestinian people. Jordan's recognition of this status of the PLO was of particular significance since, from 1948 to 1967, Jordan had administered the West Bank. In 1974, the Assembly's agenda included "The question of Palestine" for the first time since 1952. During the 1974 session, the PLO was given the status of observer - a status later extended in all other United Nations organs. In the same year, the Assembly formally recognized the inalienable rights of the Palestinian people to self-determination, to national independence and sovereignty, and to return to their homes. The Assembly also recognized the PLO as the representative of the Palestinian people, a principal party in any Middle East peace agreement.

Since 1975, the General Assembly's resolutions have reaffirmed this recognition every year. Additionally, resolutions have

* Claiming justification from the General Assembly's affirmation of "the legitimacy of the people's struggle for liberation from ... foreign domination and alien subjugation by all available means including armed struggle" (resolution 3070 (XXVIII) of 30 November 1973).

asserted that the Palestine question is the core of the Middle East problem, thus recognizing that there can be no peace in the Middle East without a just solution to the Palestine issue. Various aspects of the Palestine issue have also been explored by other United Nations bodies concerned with the illegal Israeli occupation of the West Bank and Gaza. Both the Human Rights Commission and the Special Committee on Israeli Practices established by the General Assembly in 1968 regularly have severely criticized Israeli violations of human rights of the Palestinians. Their reports have condemned Israel for annexation of territories, establishment of settlements in the occupied territories, expropriations and confiscation of property, arrests, ill-treatment and torture of civilians, expulsions and denial of the right of return, etc.

In 1975, the Assembly also established a Committee on the Exercise of the Inalienable Rights of the Palestinian People. The Assembly has consistently endorsed the Committee's recommendations for Israeli withdrawal and the restoration of the inalienable rights of the Palestinian people.

The Committee's chairmen have made it clear that while the Committee's task is to correct the imbalance of perceptions of the issues in the Middle East situation, its support of Palestinian rights in no way questions the sovereignty or secure existence of Israel, which is a full Member of the United Nations.

Thus, since 1974, there has been international recognition in the United Nations of the justice of the Palestinian case for self-determination and independence, of the centrality of the Palestine issue in the Middle East dispute, and of the representative nature of the PLO. This international recognition is also reflected outside the United Nations in statements by major groupings of States, such as the non-aligned countries, and the Organization of African Unity. Lately Western European States have also supported self-determination for the Palestinian people.

Israel, however, has maintained its hold on the West Bank and Gaza. It refuses to entertain the idea of establishing a Palestinian State in these territories despite the overwhelming international consensus described. Instead, Israel increasingly has shown signs of intending to retain control of one kind or another over these lands. Over the last several years, Israel has emphasized its claim to possess the West Bank, which it refers to by the biblical names of Judea and Samaria. It has expelled or arrested Palestinians, and has expropriated or confiscated Palestinian land to establish settlements, both civilian and

military, on grounds of security. It has taken control of vital water sources in a generally arid region. Israel has followed these policies despite repeated calls for their cessation from both the General Assembly and the Security Council. In 1979 and early 1980, the Council criticized Israeli settlement policy as an obstacle to Middle East peace and established a commission to investigate and report on such Israeli policies in the occupied territories.

Outside the United Nations framework, Israel's signature of a peace treaty with Egypt, has brought gradual withdrawals from Egyptian territory in the Sinai peninsula. The Camp David accords of November 1978 between the United States of America, Israel and Egypt contain a formula for Palestinian "autonomy", the West Bank and Gaza, while Israel would be allowed to retain ultimate political and military control there. The Palestinians have rejected the formula outright, contesting that it denies them their inherent and natural right of determining their own future, and that the formula was concluded in the absence of the Palestinian people and against its wishes. The United Nations General Assembly has also declared that such accords were invalid.

Until recently the Security Council's approach to the Palestine issue has been confined to the framework of its resolution 242 (1967) of nearly 13 years ago. However, the General Assembly, reflecting the will of the majority of the community of nations, has extended recognition of the fundamental rights of the Palestinian people. Efforts to make the Security Council's approach consistent with that of the General Assembly's have been unsuccessful. In January 1976, a draft resolution calling for the exercise by the Palestinian people of its inalienable national right of self-determination was supported by the majority. The United States of America, however, vetoed the resolution. In August 1979, another similar draft resolution was not voted upon. In April 1980 there was another move to secure the Security Council's support for Palestinian self-determination, but this again failed due to another veto cast by the United States. All these draft resolutions implicitly recognized and reaffirmed the right of Israel, along with other States in the area, to sovereignty, security and territorial integrity.

The Palestinian people now number approximately 4 million a population larger than that of many Member States of the United Nations. About half-a-million of the Palestinians live in Israel. Another 1,200,000 live in the occupied territories of the West Bank and Gaza. The remainder are in exile; many still in refugee

camps, many as foreigners in other countries. The majority of those in exile still hope to return to their own country.

The essence of the Palestine problem is described by Professor Arnold Toynbee, writing in 1968:

"All through those thirty years, Britain [admitted] into Palestine, year by year, a quota of Jewish immigrants that varied according to the strength of the respective pressures of the Arabs and Jews at the time. These immigrants could not have come in if they had not been shielded by a British chevaux de frise. If Palestine had remained under Ottoman Turkish rule, or if it had become an independent Arab State in 1918, Jewish immigrants would never have been admitted into Palestine in large enough numbers to enable them to overwhelm the Palestinian Arabs in this Arab people's own country. The reason why the State of Israel exists today and why today 1,500,000 Palestine Arabs are refugees is that, for thirty years, Jewish immigration was imposed on the Palestinian Arabs by British military power until the immigrants were sufficiently numerous and sufficiently well-armed to be able to fend for themselves with tanks and planes of their own. The tragedy in Palestine is not just a local one: it is a tragedy for the World, because it is an injustice that is a menace to the World's peace."

The United Nations has recognized that a fundamental factor in averting this threat to world peace is to enable the Palestinian people to exercise its inalienable right of self-determination, national independence and sovereignty in Palestine.

